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APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. CONFIRMATION NO. FIRST NAMED INVENTOR 10/750,501 12/31/2003 51644/AW/W112 1810 Mark S. Scheib 23363 10/19/2006 **EXAMINER** 7590 CHRISTIE, PARKER & HALE, LLP VRETTAKOS, PETER J PO BOX 7068 PAPER NUMBER ART UNIT PASADENA, CA 91109-7068 3739

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|--------------------|-----------------|--|--|
| 10/750,501 | SCHEIB, MARK S. | | |
| Examiner | Art Unit | | |
| Peter J. Vrettakos | 3739 | | |

| | Telef J. Viellakus | 3733 | |
|---|--|--|------------------------------------|
| The MAILING DATE of this communication appe | ars on the cover sheet with the | correspondence addres | s |
| THE REPLY FILED <u>14 September 2006</u> FAILS TO PLACE THI | S APPLICATION IN CONDITION F | OR ALLOWANCE. | |
| 1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods: | wing replies: (1) an amendment, af tice of Appeal (with appeal fee) in the with 37 CFR 1.114. The reply m | fidavit, or other evidence compliance with 37 CFR | , which 41.31; or (3) |
| a) The period for reply expires 4 months from the mailing date | of the final rejection. | | |
| b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire! | ater than SIX MONTHS from the mailin | g date of the final rejection. | |
| Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 | (b), ONLY CHECK BOX (b) WHEN TH | E FIRST REPLY WAS FILE | DWITHIN |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office laternay reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL | on which the petition under 37 CFR 1. tension and the corresponding amount shortened statutory period for reply origon than three months after the mailing date. | of the fee. The appropriate inally set in the final Office | extension fee action; or (2) as |
| The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of the a | |
| AMENDMENTS | · | | |
| 3. The proposed amendment(s) filed after a final rejection, (a) They raise new issues that would require further co | nsideration and/or search (see NC | | ause |
| (b) They raise the issue of new matter (see NOTE beloe) (c) They are not deemed to place the application in belappeal; and/or | | educing or simplifying the | issues for |
| (d) They present additional claims without canceling a | corresponding number of finally re | jected claims. | |
| NOTE: (See 37 CFR 1.116 and 41.33(a)). | | | FOL 224) |
| 4. The amendments are not in compliance with 37 CFR 1.1 | | ompliant Amendment (P | IUL-324). |
| 5. Applicant's reply has overcome the following rejection(s) | | timely filed emendment | canceling the |
| Newly proposed or amended claim(s) would be all non-allowable claim(s). | iowabie ii submitted in a separate, | umery med amendment | canceling the |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro | | ill be entered and an exp | lanation of |
| The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | | | |
| Claim(s) objected to: | | | |
| Claim(s) rejected: | | | |
| Claim(s) withdrawn from consideration: | | | |
| AFFIDAVIT OR OTHER EVIDENCE | | takan ak Ammani willi mak h | a antorod |
| The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). | it before or on the date of filing a N d sufficient reasons why the affida | vit or other evidence is n | ecessary and |
| 9. The affidavit or other evidence filed after the date of filing | a Notice of Appeal, but prior to the | e date of filing a brief, wil | l <u>not</u> be |
| entered because the affidavit or other evidence failed to c showing a good and sufficient reasons why it is necessar | overcome <u>all</u> rejections under appe v and was not earlier presented. S | eal and/or appellant fails See 37 CFR 41.33(d)(1). | to provide a |
| 10. The affidavit or other evidence is entered. An explanatio | · | | d. |
| REQUEST FOR RECONSIDERATION/OTHER | | • | |
| 11. The request for reconsideration has been considered bu The prior art can be used to ablate "inside" the pulmona | | | |
| 12. Note the attached Information Disclosure Statement(s). | (PTO/SB/08) Paper No(s) | $\mathcal{O} \cap \mathcal{O}$ | . / . |
| 13. Other: | | ROY D. GIBSON | Wson |
| | | ROY D. GIBSON | _ |
| | | PRIMARY EXAMINER | ₹ |

PV